

REMARKS

In the Office Action of February 15, 2001, claims 19-21 and 23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Please note that both claims 19 and 23 have been amended in response to this rejection. Accordingly, claims 19-21 and 23 comport with 35 U.S.C. § 112, second paragraph.

Claims 1-9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Farhangi et al. in view of Bergher et al. Farhangi et al. discloses an apparatus for digitally mixing audio signals to produce combined audio output signals (Abstract). The various de-formatters 240-248 in Figure 2 convert a plurality of input signals into raw audio data (Figure 2 and column 3, lines 29-38).

Bergher et al. discloses a digital signal processor-based integrated circuit, which decodes MPEG-2 and Dolby AC-3™ audio signals into pulse code modulated (PCM) format.

Applicants disagree that it would have been obvious to combine the teachings of Farhangi and Bergher. Farhangi is directed to digitally mixing audio signals. There is no suggestion or teaching anywhere in the document of decoding audio signals. The word "decode" is not used in Farhangi.

Bergher, likewise, teaches real-time decoding of two popular audio signals, Dolby AC-3™ and MPEG-2. Besides describing the DSP as being customized to the specific needs of AC-3 and MPEG audio algorithms (Conclusion, page 573), Bergher says nothing about the ultimate use of the PCM signal produced. Thus, Bergher includes no teaching or suggestion that the PCM signal may be combined with another audio signal.

To establish a *prima facie* case of obviousness, the prior art must suggest the desirability of the claimed invention (MPEP 2143.01). Just because the

references may be combined or modified is not sufficient to establish this obviousness. The teaching or suggestion to make the claim combination must be found in the prior art, not in Applicants' disclosure.

Furthermore, Applicants' claim 1 has been amended such that the combined audio data stream may be received by a conventional CODEC. As explained in Applicants' specification, many CODEC devices may not mix multiple data streams where some of the data streams are perceptually encoded and others are not (Page 3, line 29 through Page 4, line 2). Neither Farhangi nor Bergher teach receiving a combined audio data stream by a conventional CODEC. For at least this reason, Applicants' claim 1 is non-obvious over the cited references.

Based on the above arguments, independent claim 1, as well as dependent claims 2 through 11, are allowable as amended. Applicants respectfully request allowance of these claims.

The Office Action further rejected claims 12 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Farhangi et al. in view of Bergher et al. and Hinderks. Hinderks discloses a digital audio transmitter for transmitting high quality wideband speech over a transmission channel such as a traditional telephone line (Abstract). In Figure 2, a CODEC 12 may receive, amplify, and mix one or more input audio signals (Column 3, lines 45-47). While Hinderks teaches using a CODEC, Hinderks does not specifically teach or suggest that the data received by the CODEC is encoded data. Instead, Hinderks envisions conventional signals being used (see Column 3, lines 45-62). Thus, Applicants respectfully disagree that Hinderks teaches "transmit[ing] the encoded combined audio data stream to a CODEC circuit," as recited in Applicants' claim 12.

Further, Applicants see no motivation to combine from any of the three references cited. Thus, Applicants' respectfully request reconsideration of the rejection of claim 12 as well as dependent claim 16.

Finally, claims 19-21 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Farhangi et al. in view of Bestler et al. The above arguments pertaining to claim 1 are pertinent to claim 19 as well. Also, as with claim 1, Applicants respectfully disagree that the cited references teach or suggest being combined.

In particular, the amendment to claim 19 is not taught or suggested by the cited references. As explained in Applicants' specification, CODEC devices typically are not capable of mixing multiple data streams where some of the data streams are perceptually encoded and others are not. Applicants' claim subject matter is distinguishable in this respect. For at least this reason, Applicants' claims 19 through 23 are non-obvious over the cited art.

Conclusion

Applicants respectfully request reconsideration of all claim rejections in light of the above arguments. In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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APPENDIX

1 1. (TWICE AMENDED) A method to combine diversely encoded audio
2 data streams, comprising:

3 receiving a first audio data stream in a first perceptually based
4 format;

5 decoding the first audio data stream into a linear pulse code
6 modulated format;

7 obtaining a second audio data stream in a raw format; and

8 combining the decoded first audio data stream with the second
9 audio data stream for receipt by a CODEC.

1 2. (AMENDED) The method of claim 1, further comprising encoding
2 the combined audio data stream [into a second perceptually based format]
3 before receipt by the CODEC.

1 19. (TWICE AMENDED) A method to combine diversely encoded data
2 streams, comprising:

3 receiving a [video] first data stream in a first compressed format;

4 decoding the first data stream into an uncompressed format;

5 obtaining a second data stream in the uncompressed format; and

6 combining the decoded first data stream with the second data
7 stream for receipt by a CODEC device.

1 20. (AMENDED) The method of claim 19, further comprising encoding
2 the combined data stream into a second compressed format before receipt by
3 the CODEC device.

1 23. (AMENDED) The method of claim [22] 19, wherein the compressed
2 format comprises a MPEG format.